

EmployAbility

A Toolkit for Employers





Introduction

As more people with disabilities enter the workforce and begin looking for employment, it is important that as a business owner or operator you understand the incredible benefits that you could be enjoying by hiring employees of all abilities.

This toolkit is meant to provide you with the information you need to begin employing people of all abilities, including information on financial and tax incentives, how and why hiring people of all abilities is good for your business and where to find qualified employees.

Everyone has the right to work. New York's employers deserve a reliable, effective and efficient workforce.

The EmployAbility Toolkit is just one of the ways in which New York State is working to make it easier for you to expand your workforce to be inclusive and to improve your bottom line.

The Employability Toolkit was compiled by a consortium of New York State agencies and organizations supporting individuals with disabilities to assist you. We are joined by Our Ability Alliance: New York's Disability Employment Network | Disability IN: New York, New York's chapter of the U.S. Business Leadership Network® (USBLN®), a national non-profit that helps business drive performance by leveraging disability inclusion in the workplace, supply chain, and marketplace. The Resource section of this toolkit contains contact information for the participating agencies, so if you have any questions, don't hesitate to contact us.



EmployAbility Video









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The Business Case

Hiring a qualified person with a disability brings greater benefits beyond filling an open job – it makes sense for business! Here are just a few points of impact for your business:

Reason #1: Return on Investment (ROI)

Businesses that employ people with disabilities turn social issues into business opportunities. These opportunities translate into lower costs, higher revenues and increased profits. Capitalize on the ROI of employing people with disabilities:

INCREASE REVENUES

- Access new markets
- Improve productivity through innovative and effective ways of doing business

REDUCE COSTS

- · Reduce hiring and training costs
- Increase retention

ENHANCE SHAREHOLDER VALUE

Capitalize on opportunities to meet business goals

Reason #2: Marketing

Customers with disabilities and their families, friends and associates represent a trillion dollar market segment, according to the U.S. Dept. of Labor Office of Disability Employment Policy's AskEarn.org. They, like other market segments, purchase products and services from companies that best meet their needs.

CAPITALIZE ON NEW MARKET OPPORTUNITIES

- Mirror the market to attract a wider customer base
- Increase your market share

DEVELOP NEW PRODUCTS AND SERVICES

- Respond to marketplace needs
- · Lead your market
- Increase profitability

Reason #3: Innovation

Innovation is key to the success of your business. Employees with disabilities bring unique experiences and understanding that transform a workplace and enhance products and services. When individuals with disabilities integrate into your team they can bring these experiences to bear, helping to build your business and lead your company into the future, *together*.

WORKPLACE INNOVATION

- Create more efficient and effective business processes
- Develop and implement management strategies
- Use technology in new ways to increase productivity

PRODUCT AND SERVICE INNOVATION

- Stimulate new product and service development through disability-inclusive diverse teams
- Customize products and services to increase profitability

DEFINE THE FUTURE

• Foster the development of next-generation products and services



Top 5 Reasons to Employ Ability:

- **1. Job Retention:** employees are known for being loyal to their employers and often remain at their jobs for years, thereby reducing turnover.
- **2. Dependability and Flexibility:** employees with disabilities have lower rates of absenteeism; reports of perfect attendance are not uncommon. When asked, employees with disabilities will often fill in for co-workers who have missed their shifts.
- **3. Attitude:** employee pride is demonstrated by coming to work with a positive, can-do attitude. Employees with disabilities are often very motivated; they report to work every day ready, willing and able to perform.
- **4. Pre-screened:** every effort is made to pre-screen candidates for employment to ensure that the applicant meets the minimum qualifications of the job. If needed or desired by the employer, the person can be trained to the employer's specifications by skilled job coaches, thereby reducing employer training time, and costs.
- **5. Employee Morale:** many businesses report that employing people with disabilities increases the morale and productivity of every employee.

Hiring qualified workers of all abilities just makes good business sense!



What Do We Mean by the Term "Disability"?

Disability includes a wide range of conditions. A few examples:

- · paralysis
- blindness or visual impairment
- · deafness or hard of hearing
- intellectual or developmental disabilities
- learning disabilities
- · psychiatric disabilities and mental health conditions
- epilepsy
- · chemical sensitivity
- head injuries
- cerebral palsy
- HIV/AIDS
- · and many others

Disability impacts people's lives in a wide variety of ways, and the level of impact can range from minimal to extensive

In some cases, a person's disability is a minor inconvenience, something that is controlled through medication, or requires some simple accommodations. In other cases, a person's disability plays a major role in their lives, impacting their ability to earn a living, to participate in activities in the community, and to do many of the things that many people without disabilities take for granted in their daily lives.

Disabilities are often not apparent

Learning disabilities, psychiatric disabilities, epilepsy, and multiple sclerosis are just a few of the many disabilities that are often hidden. Never presume that someone doesn't have a disability just because you can't see it.





Disability is a natural part of the human existence

It is important to acknowledge that a person's disability is only one part of their identity. It is not something to be fixed or looked down upon. People with disabilities have the same right as anyone else to full participation in society, and at any given moment you may fall into the category of an "individual with a disability".

Legal definitions vary considerably.

The Americans with Disabilities Act and State vocational rehabilitation agencies often have varying definitions of disability. Each entity specifies the criteria that a person must meet in order to have a particular disability. For example, not all people who wear glasses have a visual impairment.

An Overview of the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life, the first of which relates to Employment.

Title I - Employment

- Designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities.
- Applies to employers with 15 or more employees.
- Requires employers to provide reasonable accommodations to qualified applicants or employees. A "reasonable accommodation" is a change that accommodates employees with disabilities without causing the employer "undue hardship" (too much difficulty or expense).
- Defines disability, establishes guidelines for the reasonable accommodation process, addresses medical examinations and inquiries, and defines "direct threat" when there is risk of substantial harm to the health or safety of the individual employee with a disability or others.
- Regulated and enforced by the U.S. Equal Employment Opportunity Commission. https://www.eeoc.gov



Dispelling Myths

Have you heard some of the common misconceptions about hiring people with disabilities? Industry reports consistently rate workers with disabilities as average or above average in performance, attendance, and safety (DuPont report). When it comes to employee retention and reduced turnover costs, research has found that workers with disabilities are not "job hoppers." On the contrary, they are inclined to remain in their jobs longer than the general workforce.

The following dispels some of the common myths.

Myth: People with disabilities do not have the right skills for business.

Employees with disabilities have strengths, traits and qualities that make them valuable to the workforce, including perseverance, problem solving, goal setting and determination. Often their unique characteristics and skills are well-suited to a particular business. For example, while some employees may find repetitive work boring, others thrive on routine and predictability. On the other hand, many people with disabilities possess advanced training and/or post-secondary degrees that make them qualified to fulfill a variety of traditional jobs.

"82 percent of managers said it isn't any harder to supervise employees with disabilities than employees without disabilities". (From Harris Poll)

There are extensive benefits to a company that employs people with disabilities, such as having reliable and loyal workers, diversifying the talent pool and even saving money.

Myth: Supports in the workplace are costly.

According to the National Center on Workforce Disability (NCWD) the majority of employees—at least 73 percent—don't require any type of accommodation. Of the ones that do, 51 percent cost less than \$500, and these accommodations also often benefit employees without disabilities. The most requested accommodation is a flexible work schedule, which costs nothing.

In many cases, people have job coaching services available to them at no cost to the business. The job coach can work directly with the person and the business managers.

The federal government offers tax incentives to help employers pay for any accommodations or modifications that will make their businesses accessible to persons with disabilities. (Studies indicate, however, that the number one reason employers hire people with disabilities is NOT the tax credits or incentives; it is because employees with disabilities are loyal, dependable and remain on the workforce longer than other employees.)

Myth: Employees with disabilities are easily offended.

Common etiquette can avoid hurt feelings. People with disabilities are people first. Using language that puts the individual first (i.e. person with a disability, not the disabled; or someone who uses a wheelchair, not wheelchair-bound) demonstrates the level of respect that is warranted. If you are unsure, don't be afraid to ask the individual what he or she prefers. --

There are a number of things employers can do to include people with disabilities in your workforce.

- Conduct training for employees including discrimination prevention and ADA specific_training for managers and supervisors.
- Commit to diversity and equitable employment for all individuals regardless of their disabili-
- Survey employees to understand their perceptions of inclusion or bias.
- Offer mentoring opportunities.
- Focus recruiting and retention efforts on employees with disabilities.
- Include diversity and inclusion effectiveness as part of supervisors' job responsibilities.



Myth: Co-workers may not want to work with people with disabilities and their productivity will decrease.

People with disabilities who have overcome challenges and who demonstrate a strong commitment and loyalty to the employer are often a positive influence on their coworkers.

Myth: Getting information on hiring and working with people with disabilities is expensive and time consuming.

There are a number of resources available to employers to you. See the Resources section in this toolkit for more information.

Myth: Hiring people with disabilities makes businesses vulnerable to litigation.

There is no evidence that supports this, as very few businesses experience disability-related claims.

Myth: Supporting people with disabilities can adversely affect the businesses' bottom line.

It's actually the opposite. Hiring people with disabilities provides businesses with a competitive advantage. Research has shown that people have a more favorable view of businesses that employ people with disabilities and would prefer to patronize these businesses. People with disabilities are also customers who spend billions of dollars annually on purchases. Disability-friendly businesses earn the patronage of individuals with disabilities, their families and their friends. In addition, some of the accommodations that benefit people with disabilities, such as automatic door openers, talking ATMs and accessible websites also benefit people without disabilities, and as our population ages, the need for greater accessibility also increases.

Myth: Hiring workers who have disabilities increases workers compensation insurance rates.

Insurance rates are based solely on the relative hazards of the operation and the organization's accident experience, not on whether an employer has hired workers with disabilities.

Sources: Disability: <u>Dispelling the Myths How People With Disabilities Can Meet Employer Needs</u> -- UNTAPPED RESOURCES IN TODAY'S ECONOMY; Center for Workforce Preparation, an affiliate of the US Chamber of Commerce



Financial Incentives and Tax Credits for Businesses that Employ People with Disabilities

(New York State Employment and Workforce Solutions, Employer Assistance and Resource Network on Disability Inclusion (askEarn.org), ACCES-VR)

Although most employers do not consider financial incentives and tax credits as their main reason for hiring individuals with disabilities, employers that do business in New York State and hire individuals who have a disability can trim their labor costs through several workforce and economic development programs. Employment-based tax credits may save your business money by cutting federal or state tax liability.



Work Opportunity Tax Credit

The Work Opportunity Tax Credit (WOTC) is the primary federal tax credit that benefits employers who hire workers with disabilities.

Who May Be Eligible? Firms that hire workers who have received Social Security Income (SSI) benefits within 60 days prior to being hired, or who are referred to the firm by a vocational rehabilitation (VR) agency.

How It Works: Administered by the U.S. Department of Labor's Employment and Training Administration (ETA), the WOTC provides support to employers by reimbursing a percentage of a worker's wages for up to two years. The maximum amount of reimbursement varies based on the background of the individual hired.

Highlights: For workers hired under this program, firms are eligible for a 25 percent reimbursement of first-year wages once the employee has worked 120 hours; workers who work 400 hours result in a 40 percent reimbursement. The maximum reimbursement possible per worker in this category is \$2,400.

The New York State funded employment programs can help identify potential employees meeting WOTC tax credit criteria and may be able to provide additional support.

NYS Workers Employment Tax Credit (WETC)

Businesses that employ people with disabilities who currently receive vocational rehabilitation services (or people who received them up to two years prior to hire) may earn \$2,100 more in state tax credits. You get the credit during the second year of employment and can combine it with the WOTC credit.

NYS Workers with Disabilities Tax Credit (WDTC)

For-profit businesses and organizations that hire individuals with developmental disabilities may earn up to \$5,000 for full-time employment (30 hours or more per week), and up to \$2,500 for part-time employment (between 8 hours and 30 hours per week) in state tax credit. The period of employment must be no less than six months. If the amount of the credit exceeds the entity's tax liability, then the tax credit may be carried over for the following three years. Note: Businesses cannot claim this tax credit for an individual they hire if they are already claiming another tax credit for that individual.

Disabled Access Tax Credit

Businesses with fewer than 30 employees and no more than \$1 million in gross receipts in the preceding year can receive a tax credit of up to 50% of "eligible access expenditures"—eligible expenses include the removal of barriers —architectural, communication, or transportation—including modification of equipment and the use of interpreters, taped text, or alternative format for communication. A small business is eligible for a 50 percent tax credit on expenditures between \$250 and \$10,250, with a maximum credit of \$5,000 per year. This credit can be "carried"



backward" up to three years and forwarded up to 15 years to subsidize larger expenditures at up to \$5,000 per year. Visit the IRS website for more information about tax benefits.

Barrier Removal Tax Deduction

Businesses of any size can take an annual deduction of up to \$15,000 for expenses related to removing physical, structural, and transportation barriers for people with disabilities

The ACCES-VR <u>Business Relations Team</u> in your area will facilitate the completion of all tax credit request forms.

Additional information is available at the <u>IRS website</u> or at http://www.acces.nysed.gov/common/acces/files/vr/wto.pdf

Work Try-Out (WTO)

WTO can offset many of the costs associated with hiring new employees, and also assures the employer that the employee is right for the job. ACCES-VR can reimburse a business for 100% of an employee's wages for up to 480 hours. This offers the business the opportunity to evaluate the employee's ability to satisfactorily perform the job. This wage reimbursement program requires the business to place the new hire on the company payroll and cover them with all benefits including Worker's Compensation and Social Security. Reimbursement occurs whether the employment outcome is successful or not. The try-out period length is determined jointly by the employer and the ACCES-VR or NYSCB representative. The ACCES-VR WTO reimbursement breakout is calculated on an hourly basis with a maximum of 480 hours reimbursed at 100% gross wage.

On-the-Job Training (OJT)

ACCES-VR and NYSCB can reimburse a business for the wages paid during the training of a new employee.

The ACCES-VR counselor and the employer will agree upon the length of the training period appropriate to the job. Upon the final retention of the trainee, the business will be eligible for all applicable tax credits.

Employment Specialist Services: Supported Employment Agencies funded through New York State can help identify the employee's interest, skills and abilities and providejob readiness services and employer services. Once a person is hired, the supported employment agency provides individualized job training and coaching to assist the individual in meeting business expectations. Agencies maintain ongoing contact as needed with both the business and employee should the need arise for additional training or other supports to help the employee successfully remain on the job.

Employment Training Program (ETP): ETP, funded by OPWDD, pays the wages for a period of time for people with developmental disabilities who work for local businesses. Participants in ETP are assessed for their interest, abilities and skills, and then matched with a business that has similar employment needs. While the worker is in training, OPWDD pays their wages until business standards are met and the person is officially hired, generally within one year.

Sources: (New York State Employment and Workforce Solutions, Employer Assistance and Resource Network on Disability Inclusion (askEarn.org), ACCES-VR)



Improve Your Inclusivity

When you're looking at hiring qualified employees who may have disabilities, here are some tips from successful employers to help you get started:

- Learn about local available resources for training, awareness, and support. This toolkit provides a number of links, suggested articles and websites.
- Use tools like informational interviews, job shadowing, internships, apprenticeships and Disability Mentoring Days to provide opportunities for individuals to explore options.
- Participate in the U.S. Department of Labor's National Disability Employment Awareness Month (NDEAM). https://www.dol.gov/odep/topics/ndeam/
- Include disability specific information into training components for new and existing employees. To access training resources to help you with diversity training, contact North-east ADA Center or ACCES-VR.
- Join the Disability IN in your state. http://www.ourability.com/new-york-business-leadership-network/
- Connect with state agencies that can connect you with qualified candidates; distribute position announcements to them. (NYS Education Department's Adult Career and Continuing Education Services (ACCES-VR)









OSCAR MARTINEZ, MODELL'S DEPARTMENT STORE

Oscar Martinez of Brooklyn recalls that when he first headed out into the workforce nearly two decades ago, he was nervous. He recalls being most concerned about how he would be perceived by his employer and his co-workers. Martinez, who uses a wheelchair, has cerebral palsy - a neurological disorder that affects his body movement, muscle control and coordination.

"I thought people would look at me, see me as disabled and think that I couldn't do anything," recalls Oscar. "But I kept it up, I did what my employers asked of me at work, and now look at me."

Fast forward more than 20 years later and the initial fears Oscar had about working seem far away. Modell's Department Store, one of the country's largest sporting goods retailers, hired him at their Bay Parkway store in Brooklyn. He's now that store's longest tenured employee and has moved from attaching security tags to merchandise to greeting and assisting customers and breaking in new-hires.



TINA CUTLER, U.S. NATIONAL PARK SERVICE

For Tina Cutler, NY serving as a Park Ranger with the National Park Service is a career she loves. Since she began working at Fort Stanwix in Rome, NY 12 years ago this October, Tina has become an expert in many things Fort Stanwix and her knowledge and enthusiasm for her job has definitely benefited her employer.

Tina's supervisor, Michelle Righter, who is the Chief of Visitor Experiences and has supervised Tina for two years, says that the Fort considers themselves fortunate to have Tina as an employee. Not only does Tina come to work each day with a bright smilling face that immediately makes visitors feel welcome, but she is the only staff member in the Visitor center that knows American Sign Language. Righter says Tina's skill has helped make Fort Stanwix a more accessible and enjoyable experience for people who are hearing impaired. Fort Stanwix chose to feature Tina in a video where she talks about the Fort's accessibility and her fluency in sign language. It is one of 40 short YouTube videos produced about the Fort's history that were made to commemorate its 40th Anniversary.

Tina finds the staff she works with to be both fun and considerate. If her coworkers were to be asked what Tina most excels at, both Tina and her supervisor agree that most would answer "the cash register." She is known as the "go-to person" whenever there is any problem with the cash register. She is the only one who seems to have the special touch needed to fix it.



How do I Find Qualified Workers?

There are many agencies that can help you find qualified workers who have the skills to match your business needs.

NYS Department of Labor

http://www.labor.ny.gov/home/

Division of Employment and Workforce Solutions – Business Services State Office Campus Building 12, Room 425, Albany, NY 12240 888-4-NYSDOI

https://labor.ny.gov/businessservices/landing.shtm

Visit the website or contract a field office nearest you.

- Place a Job Order on the NYS Job Bank
- Career Fairs and Customized Recruitments
- Human Resources Consultation
- JobZone and CareerZone
- Skills Matching Services (NY Talent)

Disability Resource Coordinators (DRCs)

DRCs can help connect you to talented, loyal, and hard-working individuals with disabilities who would make valuable additions to your staff. To find a DRC close to you, please visit the following website: https://labor.ny.gov/workforcenypartners/dpn_dei.shtm

New York Employment Services System (NYESS)

https://nyess.ny.gov

44 Holland Avenue Albany, NY 12229

518.473.6579

ACCES-VR

http://www.acces.nysed.gov/vr

89 Washington Avenue Albany, NY 12234

800.222.JOBS (5627)

Visit the website for information about how to contact the Business Relations Team in your area.

- Pre-screened, skilled job applicants
- Wage reimbursement program options
- Assistance with the application process or Federal and NYS tax credits
- Consultation and assistance on reasonable accommodations
- Technical assistance and training on the ADA, including disability awareness and etiquette
- Connection to Work Force Development: One-Stop Centers, NYS Department of Labor, the business community, labor organizations, not-for-profits and schools in your community
- Ongoing follow-up services to ensure your satisfaction





Commission for the Blind

http://visionloss.nv.gov

New York State Office of Children and Family Services 52 Washington Street, South 201 Rensselaer, NY 12144

518.473.2346

Our Ability Connect

http://www.ourability.com

19 Timber Lane Glenmont, NY 12077

518.429.9256

Our Ability Connect -- an individual digital profile service you build created to promote future employment for people with disabilities through mentor networking, social engagement and personal empowerment. Our Ability Connect gives employers the ability to reach out to people with disabilities by searching, connecting directly with people in our system and posting employment opportunities in order to recruit the best candidates for open positions.

NYS Office of Mental Health

https://www.omh.ny.gov

44 Holland Avenue. Albany, NY 12229

800.597.8481

(or contact any of the OMH Field Offices. See website for local addresses and phone numbers)

NYS Office for People With Developmental Disabilities

https://opwdd.ny.gov

44 Holland Avenue Albany, NY 12229

866.946.9733

You may also contact any of OPWDD's regional offices listed on the website. In addition, OPWDD supports over 200 provider agencies in New York State who provide supported employment services for individuals with disabilities. Check out the listing of Supported Employment Provider Agencies on the OPWDD website (www.opwdd.ny.gov/employability) to directly contact with agencies who can connect you with qualified employees.





RESOURCES

Articles and Papers:

- Disability Etiquette: Best Practices; National Disability Institute: https://www.unitedspinal.org/disability-etiquette/
- Leading Practices on Disability Inclusion; Disability IN and US Chamber of Commerce: https://www.uschamber.com/assets/archived/images/documents/files/022137_01_disability-inclusion-fin-revisedlr.pdf
- Recruiting, Hiring, Retaining, and Promoting People With Disabilities; The Curb Cuts to the Middle Class Initiative; participation by agencies across the federal government, including the Department of Education, Department of Labor, Department of Health and Human Services, Department of Justice, Department of Veterans Affairs, Equal Employment Opportunity Commission, National Council on Disability, Office of Personnel Management, and the Social Security Administration:

https://www.eeoc.gov/eeoc/interagency/upload/employing_people_with_disabilities_tool kit_february_3_2015_v4-2.pdf



- US Department of Labor Office of Disability Employment Policy (www.dol.gov/odep/)
- Americans With Disabilities Act (www.ada.gov/)
- AskJAN (www.askjan.org/)
- Institute for Community Inclusion (www.communityinclusion.org/)
- Employer Assistance and Resource Network on Disability Inclusion (EARN) (www.askearn.org/)
- Northeast ADA Center @ Cornell University (www.northeastada.org/)
- Burton Blatt Institute @ Syracuse University (www.bbi.syr.edu/projects/Demand_Side_Models/Toolkit.html)
- Internal Revenue Service
- Partnership on Employment and Accessible Technology TechCheck (tool to help employers assess their technology accessibility) http://www.peatworks.org/techcheck





Agencies and Organizations

NYS Employment First Commission (https://nyess.ny.gov/employment-first.html)

The Employment First Commission is tasked with creating an Employment First policy for New York, which makes competitive, integrated employment the first option when considering supports and services for people with disabilities. The initiative aims to increase the employment rate, and decrease the poverty rate, for New Yorkers who are receiving services from the State, as well as register 100 businesses as having formal policies to hire people with disabilities as part of their workforce strategy. Participating on the E1 Commission are the NYS Office for People With Developmental Disabilities (OPWDD), NYS Office of Mental Health (OMH), Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR), Commission for the Blind, Office of Temporary and Disability Assistance (OTDA), Office of Alcoholism and Substance Abuse Services (OASAS), Department of Transportation (DOT), Developmental Disabilities Planning Council (DDPC), Department of Health (DOH), Division of Veterans Affairs, Justice Center, and Economic Development Council

New York Employment Services System (NYESS)

https://nyess.ny.gov 4 Holland Avenue Albany, NY 12229 518.473.6579

New York State Department of Labor

http://www.labor.ny.gov/home/

Division of Employment and Workforce Solutions – Business Services

State Office Campus Building 12 Room 425 Albany, NY 12240 888-4-NYSDOL

ACCES-VR

http://www.acces.nysed.gov/vr

800.222.JOBS (5627)

New York State Education Building 89 Washington Avenue Albany, NY 12234

New York State Commission for the Blind

http://visionloss.ny.gov

New York State Office of Children and Family Services

52 Washington Street, South 201 Rensselaer, NY 12144

518.473.2346

New York State Office for People With Developmental Disabilities (OPWDD)

https://opwdd.ny.gov

44 Holland Avenue Albany, NY 12229

866.946.9733

New York State Office of Mental Health (OMH)

https://www.omh.ny.gov

44 Holland Ave. Albany, NY 12229

800.597.8481

New York State Inclusive Workforce Alliance

http://www.ourability.com/employment-first-inclusive-workforce-alliance/

Acknowledgements

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www.nyess.ny.gov/employment-first.html

